

**IN THE UNITED STATE DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

MICHAEL P. O'NEIL and NICOLA :  
GRASSO :  
          *plaintiffs,* :  
v. :  
PETER F. NERONHA, in his Official :  
Capacity as Attorney General of Rhode :  
Island and COLONEL JAMES M. MANNI, :  
in his Official Capacity as the :  
Superintendent of the Rhode Island State :  
Police :  
          *defendants.* :  
\_\_\_\_\_ :

Civil Action No. 1:19-cv-612-WES-PAS

**DEFENDANTS' ANSWER TO PLAINTIFFS' COMPLAINT**

Now comes Defendants' Peter F. Neronha and Colonel James M. Manni, in their Official Capacities only ("Defendants"), and hereby answer Plaintiffs' Complaint as follows:

1. Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 1 and, on that basis, the allegations are denied and Plaintiffs are left to their proof thereof.
2. Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 2 and, on that basis, the allegations are denied and Plaintiffs are left to their proof thereof.
3. Admitted that Colonel James M. Manni is the Superintendent of the Rhode Island State Police. All remaining allegations in Paragraph 3 are denied.
4. Admitted that Peter F. Neronha is the Attorney General of the State of Rhode Island. All other allegations in Paragraph 4 are denied.
5. This is a statement of jurisdiction as to which no responsive pleading is required; if deemed required, the statement is denied.
6. This is a statement of venue as to which no responsive pleading is required; if deemed required, the statement is denied.
7. Admitted only that there is a Second Amendment to the Constitution of the United States.

8. This paragraph contains legal conclusions, not allegations of operative fact, therefore no responses are needed. To the extent it alleges factual matters, same are denied.

9. Agreed that the Court in *District of Columbia v. Heller*, 544 v. 581 quoted the 1771 “A New and Complete Law Dictionary” in referring to the definition of “Arms.” To the extent it alleges legal or factual arguments, same are denied.

10. This paragraph contains legal conclusions, not allegations of operative fact, therefore no responses are needed. To the extent it alleges factual matters, same are denied.

11. Denied.

12. Denied.

13-16. These paragraphs contain legal conclusions, not allegations of operative fact, therefore no responses are needed. To the extent they allege factual matters, same are denied.

17. Admitted that Plaintiffs are challenging applicable Rhode Island law. To the extent it alleges factual matters, same are denied.

18. Admitted that Plaintiffs are seeking injunctive relief. To the extent it alleges factual matters, same are denied.

19. Admitted that Plaintiffs are seeking injunctive relief. To the extent it alleges factual matters, same are denied.

20-54. Defendants are without sufficient knowledge or information to either admit or deny the allegations contained in these paragraphs and therefore, the allegations in these paragraphs are denied.

55. Denied.

56. Admitted only that the statute speaks for itself.

57. Admitted only that the statute speaks for itself.

58. Defendants are without sufficient knowledge or information to either admit or deny the allegations contained in this paragraph and therefore, the allegations in this paragraph are denied.

59. This paragraph contains legal conclusions, not allegations of operative fact, therefore no responses are needed. To the extent it alleges factual matters, same are denied.

**60-81.** Defendants are without sufficient knowledge or information to either admit or deny the allegations contained in these paragraphs and therefore, the allegations in these paragraphs are denied.

**82.** This paragraph contains legal conclusions, not allegations of operative fact, therefore no responses are needed. To the extent it alleges factual matters, same are denied.

**83.** This paragraph contains legal conclusions, not allegations of operative fact, therefore no responses are needed. To the extent it alleges factual matters, same are denied.

**84.** This paragraph does not contain statements of fact or allegations to which a response is required. To the extent it alleges factual matters, same are denied.

**85.** Admitted that this paragraph quotes a section of the Declaratory Judgment Act. To the extent it alleges factual matters, same are denied.

**86.** Denied.

**87.** Denied.

**88.** This paragraph contains legal conclusions, not allegations of operative fact, therefore no responses are needed. To the extent it alleges factual matters, same are denied.

**89.** This paragraph contains legal conclusions, not allegations of operative fact, therefore no responses are needed. To the extent it alleges factual matters, same are denied.

**90.** This paragraph contains legal conclusions, not allegations of operative fact, therefore no responses are needed. To the extent it alleges factual matters, same are denied.

**WHEREFORE,** Defendants respectfully request that the complaint be dismissed with prejudice and that they be awarded the cost and fees of this action.

### **AFFIRMATIVE DEFENSES**

Defendants, Attorney General Peter F. Neronha and Colonel James M. Manni in their official capacities only, hereby assert the following affirmative defenses in response to the allegations in the Plaintiffs' Complaint:

#### **FIRST AFFIRMATIVE DEFENSE**

Defendants, as officers of the State of Rhode Island, are entitled to all privileges and immunities which are enjoyed by the sovereign.

#### **SECOND AFFIRMATIVE DEFENSE**

Defendants assert any and all applicable defenses relating to the doctrine of discretionary immunity.

#### **THIRD AFFIRMATIVE DEFENSE**

Plaintiff is not entitled to maintain an action against these Defendants insofar as the legislation at issue enjoys the presumption of validity and, in fact, was duly enacted and is not violative of any provisions of the Federal or State constitutions.

#### **FOURTH AFFIRMATIVE DEFENSE**

Plaintiffs' Complaint fails to state a claim upon which relief can be granted.

#### **FIFTH AFFIRMATIVE DEFENSE**

Defendants are entitled to a presumption that they will act at all times with good faith.

#### **SIXTH AFFIRMATIVE DEFENSE**

Plaintiffs are not entitled to attorney's fees, interest, or costs in this action.

**WHEREFORE**, Defendants pray that the Complaint in this civil action be denied and dismissed and that judgment enter against Plaintiffs; that Defendants be awarded reasonable attorney's fees and costs incurred in the defense hereof; and such other relief as is lawful, proper and just.

DEFENDANTS,

PETER F. NERONHA and  
COLONEL JAMES M. MANNI, in  
their Official Capacities Only,

By:

PETER NERONHA,  
ATTORNEY GENERAL

/s/ Julia C. Wyman

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**CERTIFICATE OF SERVICE**

I hereby certify that I filed the within document via the ECF filing system and that a copy is available for viewing and downloading. I have also caused a copy to be sent via the ECF system to the attorneys of record on this 24th day of January, 2020.

/s/ Dylan R. Gaddes